

**ELK TOWNSHIP  
COMMITTEE SPECIAL MEETING AGENDA  
October 26, 2011**

**MEETING CALLED TO ORDER**

**Open Public Meeting Act Notice**

**ROLL CALL:** Mr. Pantaleo \_\_\_\_\_ Mr. Rainey \_\_\_\_\_ Mrs. Sammons \_\_\_\_\_  
Mr. Swanson \_\_\_\_\_ Mayor Barbaro \_\_\_\_\_ Mr. Considine \_\_\_\_\_ Mrs. Pine \_\_\_\_\_

**RESOLUTION:**

**R-121-2011** – Resolution Awarding Quote to Ricky Slade Construction, Inc. for the Emergency Washout Repair to Moods Road

Motion \_\_\_\_\_ Second \_\_\_\_\_

Roll Call: Mr. Pantaleo \_\_\_\_\_ Mr. Rainey \_\_\_\_\_ Mrs. Sammons \_\_\_\_\_  
Mr. Swanson \_\_\_\_\_ Mayor Barbaro \_\_\_\_\_

**PUBLIC PORTION:**

Open meeting to public – Motion \_\_\_\_\_ Second \_\_\_\_\_

Close Public Portion – Motion \_\_\_\_\_ Second \_\_\_\_\_

**MOTION TO ADJOURN:**

Motion \_\_\_\_\_ Second \_\_\_\_\_ Ending time: \_\_\_\_\_



**ELK TOWNSHIP COMMITTEE  
SPECIAL MEETING MINUTES  
October 26, 2011**

The Special Meeting of the Elk Township Committee was held on the above date in the Municipal Building. The meeting was called to order by Mayor Barbaro at 5:35PM.

The Open Public Meeting Notice was read.  
The Salute to the Flag was recited.

Present were: Mr. Pantaleo, Mr. Rainey, arrived at 5:37 pm, Mrs. Sammons, Mr. Swanson, Mayor Barbaro and Mrs. Pine, Township Clerk. Mr. Considine was absent.

**RESOLUTION:**

**R-121-2011** – Resolution Awarding Quote to Ricky Slade Construction, Inc. for the Emergency Washout Repair to Moods Road

Motion by Mr. Swanson, seconded by Mrs. Sammons to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

Mr. Rainey arrived at 5:37PM.

**PUBLIC PORTION:**

Motion by Mr. Swanson to open the meeting to the public, seconded by Mr. Pantaleo, all were in favor, motion carried.

Lou Schomber, 457 Ewan Road, saw the article in the paper concerning the emergency repair and asked what he has to do get the drainage problem on his property fixed.

Mayor Barbaro stated the reason for this special meeting was to approve the work on Moods Road. There is a deed easement that was issued to the Tirrell's as part of a planning board decision in the early 1990's.

Mr. Schomber stated he was told by the township solicitor to hire a lawyer and go after the builder. He spoke with the builder and as a solution they wanted to drive across his front yard and dump stone into the swale. He does not think this will fix the problem. The township approved the development and they should be the ones to fix the problem.

Mayor Barbaro clarified the builder attempted to make a remedy and it was not acceptable to Mr. Schomber. Mr. Schomber claims the engineer said the developer was supposed to decrease the flow. The flow was decreased but the volume was increased by the development.

Mayor Barbaro again stated the approval of the resolution was a legal issue that needed to be corrected.

Mr. Swanson was under the impression that the problem was resolved, but agrees the engineer should be contacted.

Mr. Schomber stated before the development the water would go through the pipe and just go away. Since the development was started the water stays in the retention pond and drains for days. The ground is saturated.

Mr. Pantaleo volunteered to discuss the issue with the engineer and possibly see if there is a remedy for the problem. He will report back to committee. Mr. Swanson will review the planning board minutes.

Mr. Schomber stated since the development was put in the road has washed out twice.

Tony Creta, 233 Unionville Road, is concerned for Mr. Schomber. This has been brought before committee before and it is a township problem and needs to be corrected. The right of way was designed for standard flow not for the flow from a development.

Mayor Barbaro stated the township is still making corrections from the former engineer, and this takes time.

Mr. Creta stated this is a township problem and Mr. Schomber should not have to hire a lawyer.

Santo Fiducioso, 469 Ewan Road, explained that 40 years ago the road and curve were lowered. There was a pipe from where the development starts and goes across and down the road to the culvert. This used to take care of the water problem. He now gets water in his basement. The pipe is no longer there, it was removed 40 years ago. He stated the developer put clay within 60 feet of his property line.

Mr. Schomber further stated that the development was started by Pacilli and he does not fault the current builder.

Mr. Creta, stated the permits of the builder should be pulled and the builder should cease operation until the problem is corrected.

Motion by Mr. Rainey to close the public portion, seconded by Mr. Swanson, all were in favor, motion carried.

Motion by Mr. Rainey to adjourn, seconded by Mr. Swanson, all were in favor, the meeting was adjourned at 6:07PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Debora R. Pine". The signature is fluid and cursive, with a large initial "D" and "P".

Debora R. Pine, RMC, CMC  
Township Clerk

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK, COUNTY OF  
GLOUCESTER, STATE OF NEW JERSEY, AWARDING QUOTE TO RICKY SLADE  
CONSTRUCTION, INC. TO PERFORM EMERGENCY REPAIRS TO THE MOODS ROAD  
DRAINAGE EASEMENT AND INFRASTRUCTURE**

**WHEREAS**, the existing 334 Moods Road drainage easement and infrastructure was damaged due to recent rainstorms; and

**WHEREAS**, the damage to the existing stormwater infrastructure presents an immediate health, safety and public welfare concern to the residents of the Township of Elk as determined by the Township Engineer, Carl R. Gaskill, via correspondence dated September 19, 2011 attached hereto; and

**WHEREAS**, the Mayor and Committee of the Township of Elk, upon the recommendation of the Township Engineer, agree that immediate and emergency repairs to the Moods Road drainage easement and infrastructure are necessary; and

**WHEREAS**, five (5) quotes were received by the Township's Engineer; and

**WHEREAS**, the Township Committee has reviewed the recommendations made by the Township's Engineer on said quotes; and

**WHEREAS**, Ricky Slade Construction, Inc. submitted the lowest responsive quote in the sum of \$49,718.00; and

**WHEREAS**, the quote for the required emergency repairs and services is awarded to Ricky Slade Construction, Inc. without competitive bids or quotes as permitted by the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the Township of Elk's Chief Financial Officer has determined that sufficient funds will be available for the aforementioned emergency repairs after the adoption and passage of a bond ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Elk, County of Gloucester, and State of New Jersey that:

- 1) payment is hereby authorized to Ricky Slade Construction, Inc. for the immediate and emergent repairs to the Moods Road drainage easement and infrastructure; and
- 2) the quote provided by Ricky Slade Construction, Inc. is awarded without competitive bidding pursuant to the provisions of N.J.S.A. 40A:11-6.

**ADOPTED** at a Special Meeting of the Elk Township Committee held October 26, 2011.

**ATTEST:**

  
DEBORA R. PINE, Township Clerk

**TOWNSHIP OF ELK**

  
PHILIP A. BARBARO, JR., Mayor

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey				✓
Sammons	✓			
Swanson	✓			
Barbaro	✓			

